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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/917,026

07/26/2001

Gowri Rajaram

UTL 00113

7642

7590

06/14/2006

Kyocera Wireless Corp.
Attn: Patent Department
10300 Campus Point Drive
San Diego, CA 92121

EXAMINER

TORRES, MARCOS L

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/917,026	Applicant(s) RAJARAM, GOWRI	
	Examiner Marcos L. Torres	Art Unit 2617	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspond nc address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-52 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 39-52 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 39-52 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 39-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchison US006449476B1 in view of Kuroda US006457174B1.

As to claim 39, Hutchison disclose a method for updating system software in a wireless communications device (see col. 1, lines 8-11), the method comprising: providing a patch manager to manage system software updates (see col. 5, lines 62-65); storing the system software update on a nonvolatile memory module comprising a file system section, a patch manager run time instruction (PMRTI) section (see fig. 1,

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item 115, 101), a code storage section, and patch manager code section (see col. 4, line 66 – col. 5 line 10), also is noted that the claim does not specify the difference if any between these storage section, (for example the difference between a code storage section and patch manager code section) for examining purposes they are the same; forming the system software into a plurality of symbol libraries, comprising a first symbol library, a second symbol library, and a third symbol library, wherein each symbol library comprises a plurality of symbols having a related functionality (see col. 5, lines 2-10); and arranging the first symbol library, the second symbol library, and the third symbol library in at least two code sections, wherein the second symbol library and the third symbol library are arranged contiguously within a single code section on the non volatile memory module (see col. 5, lines 11-61), again is noted that the claim does not specify any difference between each symbol library other than second and third share the same code section; updating a code section address table which stores a code section location reference for each of the at least two code sections (see fig. 4, item 174-180). Hutchinson does not specifically disclose updating a symbol offset address table which stores an offset reference and a code section address table reference for each of the first, second and third symbol libraries.

In an analogous art, Kuroda discloses the method of updating a symbol offset address table which stores an offset reference and a code section address table reference for each of the first, second and third symbol libraries (see abstract).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of

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the invention to add this technique to the Hutchison method for better management of the memory resources.

As to claim 40, Hutchinson disclose the method further comprising executing the system software update from the nonvolatile memory, loading the system software update from the patch manager code section and the code storage section within the nonvolatile memory module to a memory component and performing at least one requested action (see col. 5, lines 11-65).

As to claims 41 and 43-44, Hutchinson disclose the method wherein forming the system software into the plurality of symbol libraries, further comprises forming a symbol access code and arranging the symbol access code in the corresponding symbol library (see col. 5, lines 11-61), since the claim does specify the difference between a symbol library and symbol access code, for examining purposes they are the same.

As to claim 42, Hutchinson disclose the method further comprises referencing the symbol access code to calculate an address of a sought symbol, comprising accessing a code section address table and a symbol address table to determine a corresponding code section address table reference and accessing the code section address table to determine a corresponding code section location reference associated with the corresponding code section address table reference (see col. 6, lines 9-21). Hutchinson does not specifically disclose using an offset address table. In an analogous art, Kuroda discloses a symbol offset address table (see abstract).

Regarding claim 45 is the corresponding apparatus claim of method claim 39. Therefore claim 45 is rejected for the same reasons shown above.

As to claims 47-49, Hutchinson discloses the wireless communication device of claim 45, wherein the memory component is located on the nonvolatile memory and a volatile memory (see fig. 1, item 114, 120).

As to claims 50-51, Hutchinson discloses the wireless communication device wherein each code section stores a system software update (see col. 5, lines 11-61).

As to claims 46 and 52, Hutchinson discloses the wireless communication device wherein the patch manager code section is configured to control the system software updates that are downloaded (see col. 9, lines 7-30).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be mailed to:

U.S. Patent and Trademark Office
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

571-273-8300

for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres
Examiner
Art Unit 2617

MLT
mlt


GEORGE ENG
SUPERVISORY PATENT EXAMINER